

21 November 2019

Dear colleagues–

With sadness and disappointment, I am resigning from the board of Verified Voting.

I believe that Verified Voting has lost its way.

It has been providing cover for inherently untrustworthy voting systems—and the officials who bought them, the companies that make them, and any officials who might contemplate buying them in the future—by conducting “risk-limiting audits” of untrustworthy paper records, creating the false and misleading impression that relying on untrustworthy paper for a RLA can confirm election outcomes (and debasing the meaning of “RLA” in the process).

This contradicts the most basic principle of Evidence-Based Elections: the need to establish that the paper trail is trustworthy.

Several months ago, I asked VV to revise its published policy on BMDs to clarify that parallel testing cannot show that BMD printout is trustworthy. The current policy on parallel testing of BMDs is counter to the advice of David Jefferson, Ron Rivest, Andrew Appel, Rich DeMillo, and me (and perhaps other board and AB members). I have repeated the request. Yet, months later, the original document stands.

VV is promoting the “shiny” part of auditing—the RLA procedure—at the expense of a far more fundamental requirement for trustworthy elections: a trustworthy paper trail. Whitewashing inherently untrustworthy elections by overclaiming what applying RLA procedures to an untrustworthy paper trail can accomplish sets back election integrity. This is security theater, not election integrity.

Indeed, VV publicly claimed that the pilot RLA in Georgia confirms the election outcomes, despite the fact that it was conducted primarily on universal-use BMDs with serious usability and security defects. I understand that the press quotation from Marian about the audit was not approved in advance by her, but she has clarified by email that she believes it is true.

I do not.

That statement has done damage to a case trying to hold Georgia SoS accountable for historical neglect of election integrity and its ill-advised decision to buy universal-use BMDs, a case in which I have submitted several reports, and which involves Rich DeMillo more centrally. I predict it will also become part of the vendor’s advertising for universal-use BMDs. It amounts to a product endorsement from VV that their systems can be proved to get the correct outcome by the “gold standard,” a RLA.

I asked VV to issue a public clarification (press release or policy statement) that RLAs cannot show that BMD output is trustworthy—nor can any other audit establish that BMD printout is trustworthy—and that basing an audit on BMD

output cannot confirm election outcomes. I asked a week ago, to allow time for the statement to be used in court filings to counter claims that Georgia election officials have made in court documents, quoting VV's participation in the "audit." No such statement has been made.

I also tried to prevent VV from making a similarly misleading claim about auditing in Philadelphia—but it did: Today, VV is conducting a "RLA" relying on the Philadelphia ExpressVote XL printout, and claimed on Twitter that it will "confirm election outcomes." That is patently false. But I'm sure it will be in ES&S press releases and promotional materials within a few days.

VV should be making it clear that trustworthy paper is prerequisite to conducting a RLA, and that auditing the tabulation provides no evidence that outcomes are correct if the paper trail is not trustworthy. Applying RLA procedures to BMD output might show that tabulation errors are not large enough to produce the apparent margin, but it can't confirm election outcomes, because there is no trustworthy touchstone. Evidence is what matters, not mindlessly applying a procedure. RLAs are not magic. They do not cure all the ills of any system that produces some kind of paper "backup."

Indeed, the need for evidence that the paper trail is trustworthy applies to hand-marked paper ballots as well as to BMD printout: VV should be demanding convincing evidence that the paper trail is trustworthy, and helping jurisdictions develop laws, regulations, and procedures to make it possible to generate that evidence. That requires a compliance audit that checks the chain of custody of the paper, ballot accounting, eligibility determinations, signature verification, among many other things. A compliance audit of a universal-use BMD system cannot provide affirmative evidence that the paper trail is trustworthy. No procedure can. ("Trustworthy" means that a full hand count of the paper would show who really won. It does not mean that every last vote was captured and retained accurately.)

Verified Voting is providing cover for bad actors (election officials and vendors) and inherently untrustworthy voting systems (poorly designed, inaccessible universal-use BMDs) by conducting "risk-limiting audits" of paper trails that cannot in principle be established to be trustworthy even if there were good laws and regulations for compliance audits. VV is helping election officials who purchased poorly designed, unnecessarily expensive, insecure, universal-use BMD systems justify their purchases—despite the fact that virtually every expert on our board and advisory board recommended against purchasing universal-use BMDs. The election officials are now touting the fact that VV helped them conduct (i.e., pilot) RLAs to brag that their systems are trustworthy after all—and to claim in court that the audits prove their systems are trustworthy. VV is giving vendors quotes, talking points, and—in effect—product endorsements for insecure, inaccessible systems. VV is on the wrong side.

Our message to jurisdictions that buy poorly designed, insecure, universal-use BMD systems should be, "We tried to warn you. You need a better voting

system.” Instead, we’re saying, “Don’t worry: VV will teach you to sprinkle magic RLA dust and fantasies about parallel testing on your untrustworthy election. All will be fine; you can use our authority and reputation to silence your critics.”

For well over a year, VV has been doing things that contradict and undermine my research, my publications, my expert reports, and my public testimony. Whatever good VV might be doing on other fronts, I cannot continue to support the organization.

I hope you will consider resigning, too.

Regards,

Philip